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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/801,399

Applicant(s)

LIN, PEI-YUN

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "51" in Fig. 7.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 14 is objected to because of the following informalities: in claim 14, "pin holes" should be --said pin hole--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 1, the disclosure fails to teach that the drilling plate includes two semi-arc drilling grooves corresponding to the second cutting section and the third cutting section. The specification only discloses only one semi-arc drilling groove 47 that corresponds to the second cutting section 13. The drilling groove 48 corresponds to the third cutting section 14. However, the drilling groove 48 does not have a semi-arc shape. In fact the groove 48 has a riding drilling line 49, which has a shape of a straight line. See Figs. 1 and 4 of the instant application. Therefore, "semi-arc drilling grooves" is incorrect, since there is only one semi-arc drilling groove, which corresponds to the second cutting section.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding Claim 1, "a first handlebar and a second handlebar, one end of which serves as coupling end to couple handlebar and the other end comprises a first cutting section, a second cutting section and a third cutting section" is confusing. It is not clear whether the first handle bar, the second handlebar, or both first and second handlebars having one end, which serves as coupling, end. The phrase "one end serves as coupling end to couple handlebar" is not clear. It is not clear which one of handlebars is coupled to the

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coupling end of the other handlebar. Regarding claim 1, "the cutter body" lacks antecedent basis.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-7, and 12-14, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiewak (WOO8800516A2) in view of Adams (964,600).

Regarding claim 1, Spiewak teaches a cutter 1 including a first handlebar 3b and a second handlebar 3a, one end 13b, 13a of which serves as coupling end to couple handlebar and the other includes a cutting section. Spiewak also teaches a bracing section on top of the second handlebar 3a. Spiewak also teaches a drilling plate structure 9 fixed on the bracing section and the drilling plate 9 includes a cutter groove 18a for the cut in. See Figs. 1-5 in Spiewak. Spiewak does not teach that the other end of the handlebar has first cutting section, a second cutting section, and a third cutting section and the drilling plate having semi-arc grooves corresponding to the second cutting section and the third cutting section. However, the use of cutter having more than one cutting section and a drilling plate with semi-arc grooves corresponding to the cutting sections are well known in the art such as taught by Adams. Adams teaches a cutter including a cutting body 2 removably attached to the cutter and having a first cutting section f, a second cutting section m, and a third cutting section g.

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Adams also teaches a drilling plate 1 including a cutter groove for cutter body 2 to cut in and semi-arc drilling grooves k, h corresponding to the second cutting section m and the third cutting section g. See Figs. 1-5 and page 1, lines 1-112 in Adams. It would have been obvious to a person of ordinary skill in the art to provide Spiewak's cutter with the cutting sections and corresponding cutter groove as taught by Adams in order to enable the cutter to perform different cutting operations.

Regarding claim 3, Spiewak as modified by Adams teaches everything noted above except that the cross section of the second cutting section is conic blade. However, Official notice is taken that the use of blade with conic blade cross section is well known in the art such as taught by Ott (1,771,733) or Herbert (5,560,107).

Regarding claim 4, Spiewak as modified by Adams teaches everything noted above including that the third cutting section g is a blade. See Figs. 1-4 in Adams.

Regarding claims 5 and 6, Spiewak teaches everything noted above including that the drilling plate 9 includes a fixing block, a drilling block which is integrated on the top of the fixing block. Spiewak as modified by Adams teaches also teaches that the drilling block is partially braced at the bottom by the bracing section 13a and includes a cutter groove and a drilling groove as taught by Adams. Spiewak also teaches that the top of the bracing section 13a supports the partial of the drilling block 9. See Fig. 2 in Spiewak and Fig. 1 in Adams.

Regarding claim 7, Spiewak teaches everything noted above including that the fixing block is fastened to the bracing section 13a with two components 15a. The screw 15a includes two components, which is the shank and the heed. See Fig. 2 in Spiewak.

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In addition, Official notice is taken that the use of two fasteners for fastening a plate to a body instead of one fastener is well known in the art such as taught by Huang (6,757,978).

Regarding claims 12 and 13, Spiewak as modified by Adams teaches everything noted including that the drilling groove k, h is in semi-arc shape and is capable of being used for cutting pipes or wires. See Fig. 1 in Adams.

Regarding claim 14, Spiewak teaches everything noted including that the cutter body 11 further includes a pin hole such that a pin 15b is inserted through pin hole to fix the first handlebar 3b to the cutter body 11. See Fig. 2 in Spiewak.

9. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiewak in view of Adams, as applied above, and in further view of Berg (4,106,195).

Regarding claim 2, Spiewak as modified above teaches everything noted above except that the first cutting section is triangle blade. However, the use of triangle blade is well known in the art such as taught by Berg. Berg teaches a cutter including a triangle blade 12. See Figs. 1-4 in Berg. It would have been obvious to a person of ordinary skill in the art to replace the first cutting section of Spiewak's cutter, as modified by Adams, with the triangle blade in order to equip the cutter with a desired blade which performs a desired cutting operation.

Regarding claim 8, Spiewak teaches everything noted above including that the drilling block where the first groove 13, as taught by Berg, is located extends beyond the fixing block 28,29. The groove 13, which is corresponding to the triangle blade 12, extends beyond the fixing block 28, 29. See Fig. 2 in Spiewak and Figs. 1-4 in Berg.

10. Claims 9-11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spiewak in view of Adams and Berg, as applied to claim 9, and in further view of Chavarria

(4,689,884). Spiewak as modified above teaches everything noted above except that cutter groove includes a triangular hole open on both ends. However, the use of triangular groove corresponding to a triangular blade and having openings on both sides is well known in the art such as taught by Chavarria. Chavarria teaches a triangular groove 38, 40 corresponding to a triangular blade 42, 44 and having openings on both sides. See Figs. 13 and col. 3, lines 1-59 in Chavarria. It would have been obvious to a person of ordinary skill in the art to provide the triangular groove of Spiewak's cutter, as modified by above, with openings on both sides in order to discharge the cut material from the openings.

Regarding claim 10, Spiewak as modified by Adams teaches everything noted above including that the second groove and third groove are interconnected with top of the fixing block. See Fig. 1 in Adams and Fig. 2 in Spiewak.

Regarding claim 11, Spiewak as modified by Adams teaches everything noted above including a rigid drilling rod is located on the top of the fixing block. The cutting bottom portion of the groove drilling plate 1 is rigid and is defined as the drilling rod. See Fig. 1 in Adams and Fig. 2 in Spiewak.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Entrekin (650,530), Gonzalez (6,049,985), Robertson (4,336,652), Moinaux (753,048), Carlson (2,359,083), Lai (5,913,575), Elliot (675,058), Hillson (2,751,681), Wagner (2,612,686), Hensen (2,224,226), Goodridge (941,192), Wang (6,308,421), Geurts (6,240,764), and Neila (2,603,864) teach a cutter including a first handlebar, a second

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handlebar, and cutting sections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

November 5, 2004

  
Allan N. Shoap  
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